IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6099 of 2006

CRIME NO.599/2006 OF THALIPARAMBA POLICE STATION

PETITIONER/ACCUSED

ALI, S/O.MAMMU,
CHELANTAKATHU HOUSE,
CHAPPARAPADAVU P.O., TALIPARAMBU TALUK.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENTS: COMPLAINANT AND STATE

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SEENTHA, D/O.UMMER,
PAROL HOUSE, CHAPPARA PADAVU P.O.,
TALIPARAMBA TALUK.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6099/2006

DATED THIS THE 12TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C., as he apprehends arrest in crime No.599/2006 of Taliparamba Police Station, for the offence punishable under Section 376 IPC.

2. The allegation against the petitioner is that after giving false promise of marriage, he trespassed into the hospital and committed rape on the defacto complainant, on one occasion. Thereafter, she was threatened. Out of fear, she did not disclose to anyone. On repeated by giving promise that he would marry her, he continued his act. Believing that he would surely marry her as promised, and also because of the fact that two sisters of marriageable age are in the house of the defacto complainant, she kept quite believing the petitioner. Thereafter, the petitioner, while she was proceeding to her maternal aunt's house, had committed rape on her in the arecanut garden, on 15.5.2006 at 7.00 p.m. Because

of the subsequent conduct of the petitioner, she made a complaint before the Court below, which was forwarded to the police and crime had been registered, as stated above.

3. After hearing both sides and considering the materials that are placed before me, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.599/2006 of Taliparamba Police Station, on 19.10.2006 between 9.30 a.m and 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, as per the law.

5. On production of the petitioner, accused, the learned Magistrate shall hear both sides and pass appropriate orders, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs